

IS-44C/SDNY
RPV, 4/2014

CIVIL COVER SHEET

15 CV 1204

FEB 19 2014

The JS-44C is a cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading. It is required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Dina Ann Comolli, Christine Holliday, and Sandra Williams

DEFENDANTS

Huntington Learning Center, Inc., Huntington Learning Corporation, Huntington Mark, LLC, Huntington Advertising Fund, Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Rhett O. Millsaps II, Law Office of Rhett O. Millsaps II
745 Fifth Ave., Ste. 500, New York, NY 10151
Tel: 646-535-1137

ATTORNEYS (IF KNOWN)

Thomas O. Johnston, Esq., Porzio, Bromberg & Newman, P.C.
156 West 56th Street, Ste. 803, New York, NY 10019
Tel: 212-265-6888 (Attorneys for Huntington Learning Center, Inc., Huntington Learning Corporation, and Huntington Mark, LLC)

Joseph T. Moldovan, Esq., Morrison Cohen LLP

909 Third Ave., New York, New York 10022

Tel: 212-735-8603 (Attorneys for Huntington Advertising Fund, Inc.)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		FORFEITURE/PENALTY		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	LABOR	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 357 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 PHARMACEUTICAL PERSONAL	[] SEIZURE OF	[] 28 USC 158	[] 400 STATE
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL &	[] INJURY/PRODUCT LIABILITY	[] PROPERTY	[] 423 WITHDRAWAL	[] REAPPORTIONMENT
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 21 USC 881	[] 28 USC 157	[] 410 ANTITRUST
[] INSTRUMENT	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	[] 690 OTHER		[] 430 BANKS & BANKING
[] 150 RECOVERY OF	[] EMPLOYERS'	[] INJURY PRODUCT		PROPERTY RIGHTS	[] 450 COMMERCE
[] OVERPAYMENT &	[] LIABILITY	[] LIABILITY		[] 820 COPYRIGHTS	[] 450 DEPORTATION
[] ENFORCEMENT OF	[] 340 MARINE	PERSONAL PROPERTY		[] 830 PATENT	[] 470 RACKETEER INFLU-
[] JUDGMENT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD		[] 840 TRADEMARK	[] ENCED & CORRUPT
[] 151 MEDICARE ACT	[] LIABILITY	[] 371 TRUTH IN LENDING		SOCIAL SECURITY	[] ORGANIZATION ACT
[] 152 RECOVERY OF	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL		[] 861 HIA (1395f)	[] (RICO)
[] DEFAULTED	[] 355 MOTOR VEHICLE	[] PROPERTY DAMAGE		[] 862 BLACK LUNG (923)	[] 480 CONSUMER CREDIT
[] STUDENT LOANS	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 863 DIWC/DIWW (405(g))	[] 490 CABLE/SATELLITE TV
[] (EXCL VETERANS)	[] INJURY	[] PRODUCT LIABILITY		[] 864 SSID TITLE XVI	[] 850 SECURITIES/
[] 1153 RECOVERY OF	[] 362 PERSONAL INJURY -	PRISONER PETITIONS		[] 865 RSI (405(g))	[] COMMODITIES/
[] OVERPAYMENT OF	[] MED MALPRACTICE	[] 463 ALIEN DETAINER			[] EXCHANGE
[] VETERAN'S BENEFITS		[] 510 MOTIONS TO		FEDERAL TAX SUITS	[] 890 OTHER STATUTORY
[] 160 STOCKHOLDERS SUITS	ACTIONS UNDER STATUTES	[] VACATE SENTENCE		[] 870 TAXES (U.S. Plaintiff	[] ACTIONS
[] 190 OTHER CONTRACT	CIVIL RIGHTS	[] 28 USC 2255		[] or Defendant)	[] 891 AGRICULTURAL ACTS
[] 195 CONTRACT PRODUCT	[] 440 OTHER CIVIL	[] 530 HABEAS CORPUS		[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL
[] LIABILITY	[] RIGHTS	[] 535 DEATH PENALTY			[] MATTERS
[] 196 FRANCHISE	[] (Non-Prisoner)	[] 540 MANDAMUS & OTHER			[] 895 FREEDOM OF
REAL PROPERTY	[] 441 VOTING		SECURITY ACT		[] INFORMATION ACT
[] 210 LAND CONDEMNATION	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS			[] 896 ARBITRATION
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 550 CIVIL RIGHTS	IMMIGRATION		[] 899 ADMINISTRATIVE
[] 230 RENT LEASE &	[] ACCOMMODATIONS	[] 555 PRISON CONDITION	[] 462 NATURALIZATION		[] PROCEDURE ACT/REVIEW
[] EJECTMENT	[] 445 AMERICANS WITH	[] 560 CIVIL DETAINEE	[] APPLICATION		[] OR DECISION
[] 240 TORTS TO LAND	[] DISABILITIES -	[] CONDITIONS OF	[] 465 OTHER IMMIGRATION		[] 950 CONSTITUTIONALITY
[] 245 TORT PRODUCT	[] EMPLOYMENT	[] CONFINEMENT			[] OF STATE STATUTES
[] LIABILITY	[] 446 AMERICANS WITH				
[] 290 ALL OTHER	[] DISABILITIES-OTHER				
[] REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:



CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN
S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

☐ a. all parties represented☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] ¹	DEF [] ¹	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] ³	DEF [] ³	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] ⁵	DEF [X] ⁵
CITIZEN OF ANOTHER STATE	[] ²	[] ²	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] ⁴	[] ⁴	FOREIGN NATION	[] ⁶	[] ⁶

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Christine Holliday, 366 Amsterdam Ave., # 134, New York, New York – New York County
Dina Ann Comolli (Address not listed in Complaint filed in State Court) – Queen County
Sandra Williams (Address not listed in Complaint filed in State Court) – Kings County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)


Huntington Learning Center, Inc., Huntington Learning Corporation, Huntington Mark, LLC
496 Kinderkamack Road, Oradell, New Jersey 07649

Huntington Advertising Fund, Inc., c/o The Corporation Trust Center
1209 Orange Street, Wilmington, DE 19801

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[X] YES (DATE ADMITTED Mo. 2 Yr. 2011)
RECEIPT #  Attorney Bar Code # TJ-7895

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)